(2)
FILED
SEP 14 1994
OFFICE OF THE CLERK

No. 94-0282

IN THE

Supreme Court of the United States

OCTOBER TERM, 1994

DARREYL M. YOUNG,

Petitioner,

v.

THE NORTHERN ILLINOIS CONFERENCE OF UNITED METHODIST CHURCH, THE BOARD OF ORDAINED MINISTRY, and R. SHELDON DUECKER, as the Presiding Bishop of the BOARD OF ORDAINED MINISTRY,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

SAMUEL W. WITWER, JR.
Counsel of Record
JENNIFER K. POLTROCK
DANIEL G. MUSCA
WITWER, BURLAGE, POLTROCK & GIAMPIETRO
125 South Wacker Drive
Suite 2700
Chicago, Illinois 60606
(312) 332-6000

Attorneys for Respondents

Midwest Law Printing Co., Chicago 60611, (312) 321-0220

BEST AVAILABLE COPY

23 pp

COUNTER-STATEMENT OF QUESTION PRESENTED

Whether the courts below were correct in determining that the First Amendment's religious guaranties preclude the exercise of subject matter jurisdiction in a Title VII race and sex discrimination case where the Petitioner was an aggrieved probationary minister whose religious superiors found her unqualified for permanent clergy credentials?

TABLE OF CONTENTS

	PAGE
COUNTER-STATEMENT OF QUESTION PRESENTED	i
TABLE OF AUTHORITIES	iii
COUNTER-STATEMENT OF PROVISIONS INVOLVED	1
COUNTER-STATEMENT OF THE CASE	1
SUMMARY OF ARGUMENT	3
ARGUMENT	3
A. The Courts Below Ruled Correctly. Civil Courts Will Not Review Decisions of Religious Tribunals On Matters Purely Ecclesiastical, Especially Concerning The Qualification And Selection Of Clergy	3
B. Neither The So-Called "*Minker*" Exception Nor The Holding Of "*Employment Division v. Smith*" Requires Or Justifies A Contrary Result	7
CONCLUSION	9
APPENDIX 1	1a

TABLE OF AUTHORITIES

Cases	PAGE
DeMarco v. Holy Cross High School, 4 F.3d 166 (2nd Cir. 1993)	6
Employment Division v. Smith, 494 U.S. 872, 108 L. Ed. 2d 876 (1990)	8
Hutchinson v. Thomas, 789 F.2d 392 (6th Cir. 1986), *cert. denied*, 479 U.S. 885 (1986)	6
Kedroff v. St. Nicholas Cathedral, 344 U.S. 94 (1952)	5
McClure v. Salvation Army, 460 F.2d 553 (5th Cir. 1972), *cert. denied*, 409 U.S. 896 (1972)	6
Minker v. Baltimore Annual Conference of United Methodist Church, 894 F.2d 1354 (D.C. Cir. 1990)	1, 7, 8
Natal v. Christian and Missionary Alliance, 878 F.2d 1575 (1st Cir. 1989)	6
Rayburn v. Seventh Day Adventists, 772 F.2d 1164 (4th Cir. 1985)	6
Serbian Eastern Orthodox Diocese v. Milivojevich, 426 U.S. 696 (1976)	4
Scharon v. St. Lukes Episcopal Presbyterian Hospitals, 929 F.2d 360 (8th Cir. 1991)	6
Simpson v. Wells-Lemont Corporation, et al., 494 F.2d 490 (5th Cir. 1974)	7
Watson v. Jones, 13 Wal. 679, 20 L. Ed. 66 (1871)	5
Young v. Northern Illinois Conference of United Methodist Church, et al., 818 F. Supp. 1206 (N.D. Ill. 1993); *aff'd*, 21 F.3d 184 (7th Cir. 1994)	6

Statutory Provisions

United States Constitution—Amendment I 1

Equal Employment Opportunities Act,
42 U.S.C. Section 2000e-1 *et seq.* 1

Religious Freedom Restoration Act of 1993,
42 U.S.C. Section 2000bb *et seq.* 8

No. 94-0282

IN THE

Supreme Court of the United States

OCTOBER TERM, 1994

DARREYL M. YOUNG,

Petitioner,

v.

THE NORTHERN ILLINOIS CONFERENCE OF UNITED METHODIST CHURCH, THE BOARD OF ORDAINED MINISTRY, and R. SHELDON DUECKER, as the Presiding Bishop of the BOARD OF ORDAINED MINISTRY,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

COUNTER-STATEMENT OF PROVISIONS INVOLVED

United States Constitution—Amendment I. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

COUNTER-STATEMENT OF THE CASE

Petitioner sought redress in the district court for alleged wrongful "discontinuation" from her status as a probationary minister (sometimes called a "minister on trial") of the United Methodist Church. Following evaluations by religious authorities within one of the Respondents, Northern Illinois Conference, Petitioner had been refused advancement to full status as an ordained elder clergy person. Her suit alleged job discrimination based on race and sex.

The Petition for Writ of Certiorari is accurate insofar as it avers that Petitioner, in her complaint below, alleged that her evaluation process was infected by unlawful discrimination in violation of Title VII of the Equal Employment Opportunities Act, 42 U.S.C. Section 2000e-1 *et seq.* However, the suggestion (Pet. at 3, 10-11) that the complaint below also pleaded a breach of contract claim is erroneous.[1]

---

[1] The Complaint (copy attached as Appendix 1 hereto) contains no allegation that any promise was made to Petitioner, written or verbal, or that any contractual breach occurred. In seeking belatedly to create a contract claim, Petitioner evidently aims at bringing this case within the reach of a narrow "clergy-contract" exception given qualified approval by the D.C. Circuit in *Minker v. Baltimore Annual Conference of United Methodist Church*, 894 F.2d 1354, 1360 (D.C. Cir. 1990). In support of this new theory

(Footnote continued on following page)

The task which Petitioner sought to place before the district court is revealed in the prayers for relief which accompanied each count of the Complaint; to-wit:

> "A. That Defendants be ordered to reinstate the Plaintiff as a Probationary Ministerial Member and that Plaintiff be awarded back pay and be compensated for the loss of other employment benefits.
>
> B. That Defendants be ordered to conduct a new review of the Plaintiff's application for 'Elder' or 'Clergy Member in Full Connection', and the Defendants be required to follow their usual and customary practices such as including other Black female Ministers or 'Clergy Members in Full Connection' on the panel which reviews her application . . . ."

(Appendix 1 hereto at Prayers for Relief, paragraphs A, B).

Respondents moved for dismissal, urging that the suit was in reality a quest for civil review of subjective judgments made by religious officials that a minister was unqualified to be continued or advanced as a minister of the Gospel. As such, the Respondents maintained, the district court could neither examine into the controversy nor could it fashion the requested relief without an affront to the free exercise of religion under the First Amendment. The district court agreed and dismissed the suit. (818 F. Supp.

---

[1] *continued*

of action, Petitioner relies on three paragraphs (Nos. 8A-8C) in Count II (disparate treatment/retaliation) of her Complaint to the effect that the religious defendants departed from certain traditional or customary practices and presumptions while considering her case. However, the difficulty of characterizing the case as a "contract action" is tacitly acknowledged by opposing counsel: "Although the complaint may be somewhat inartfully drafted, it alleges facts that raise the breach of contract issue when it alleges that the Respondents failed to follow certain settled procedures." (Pet. at 11) A fair reading of the Complaint cannot possibly support such an interpretation.

1206; Pet. App. at 11) The Seventh Circuit affirmed. (21 F.3d 184; Pet. App. at 1)

SUMMARY OF ARGUMENT

The rule governing this case, as the Seventh Circuit aptly stated, is "straight forward": the First Amendment precludes secular courts from exercising jurisdiction in wrongful termination suits brought by aggrieved clergy persons against their churches. This is true even where Title VII is invoked. Although the policies underlying the Equal Employment Opportunities Act are highly important, even these must yield to Constitutional requirements where a contrary approach would draw courts into disputes concerning the qualifications of ministers and the motives of religious officials. Because clergy are the "life-blood" of religious societies, decisions affecting their status must, under the First Amendment, be left to the churches. Finally, this case does not fit within the limited "breach of contract" exception recently formulated in a D.C. Circuit case, nor can the attempted suit fairly be described as resting upon "neutral" laws of general applicability when applied to clergy selection disputes. The holdings below are unassailable and review should be denied.

ARGUMENT

A. The Courts Below Ruled Correctly. Civil Courts Will Not Review Decisions Of Religious Tribunals On Matters Purely Ecclesiastical, Especially Concerning The Qualification And Selection Of Clergy.

The Petition for Writ of Certiorari gamely attempts to portray this as a novel case involving unsettled issues and inter-circuit conflicts requiring Supreme Court resolution. In reality, however, the Petition contains none of the fore-

going elements. Instead, it is but an effort to quarrel with a constitutional doctrine as clear and as firmly entrenched as any in our jurisprudence. The rule is unambiguous: where church-clergy relations are involved, courts will not interfere—even when ostensibly important statutory rights and public policies are invoked and pleaded. Not surprisingly, the decisions below encountered no difficulty in upholding this immutable principle.

The district court approached the case correctly. After analyzing the role it would have to play to hear the controversy, resolve disputed issues and supervise compliance with any relief granted, it rightly concluded that judicial intervention was constitutionally impermissible. 818 F. Supp. at 1210-11; Pet. App. at 19-20. Likewise, the Court of Appeals, after reviewing a long line of cases including this Court's teachings in *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976),[2] captured the essence of the matter as follows:

> "Although this is the first time this precise issue has been presented to us, its resolution is straightforward. As we have indicated, *Milivojevich* holds that the Free Exercise clause of the First Amendment forbids a review of a church's procedures when it makes employment decisions affecting its clergy."

21 F.3d at 187; Pet. App. at 9.

---

[2] While *Milivojevich* arose in a somewhat different factual setting, its message is clear-cut and has guided the lower courts in steering clear of cases involving clergy assignment or discipline. This Court said: "Nor is there any dispute that questions of discipline and the composition of the church hierarchy are at the core of ecclesiastical concern. . . ." 426 U.S. at 717. This Court continued by stating that disputes relating to the appointment and retention of clergymen are "quintessentially religious controversies whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals of this hierarchical church." 426 U.S. at 720.

The familiar rule of deference exemplified by *Milivojevich* has its roots in decisions of this Court spanning well over a century. In *Watson v. Jones*, 13 Wal. 679, 20 L. Ed. 666 (1871), this Court stated:

> "This court . . . having no ecclesiastical jurisdiction, cannot revise or question ordinary acts of church discipline . . . We cannot decide who ought to be members of the church, nor whether the excommunicated have been justly or unjustly, regularly or irregularly cut off from the body of the church."

13 Wal. at 730.

Over time, this doctrine evolved from a mere rule of abstention to one of great force and constitutional magnitude. In *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94 (1952), this Court confirmed that the First Amendment's religious guarantees extend to:

> "the power [of churches] to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine."

344 U.S. at 116.

Petitioner insists (Pet. at 8) that "most decisions hold that courts may rule on discrimination claims against churches" (citations omitted). While literally true, the statement omits a crucial distinction: All such cases involve the rights of *non-ministerial* employees.

Petitioner next observes, with notable understatement, that the courts are "less likely to . . . rule on discrimination claims when the employee discriminated against is a member of the clergy." (*Id.* at 8-9). "Less likely" is hardly the phrase to describe the body of case law on this issue. In actuality, courts *never* hear such discrimination claims when the person claiming discrimination is a member of the clergy. Thus, while citing dozens of cases

involving job discrimination claims against religious organizations, Petitioner cannot point to a single case upholding such an action by a clergy person. To the contrary, *every* circuit and district court which has considered the question has decided the issue adversely to Petitioner's position and in a manner consistent with the Seventh Circuit's opinion below. See, e.g., *Natal v. Christian and Missionary Alliance*, 878 F.2d 1575 (1st Cir. 1989) (Clergyman could not recover against religious corporation for wrongful termination; notwithstanding claims that corporation violated its own rules or federal labor law); *DeMarco v. Holy Cross High School*, 4 F.3d 166, 171 (2nd Cir. 1993) (Right of non-clergy person to bring ADEA action upheld; however, court distinguished "pervasively religious relationship" which exists in clergy cases); *Rayburn v. Seventh Day Adventists*, 772 F.2d 1164 (4th Cir. 1985), *cert. denied*, 478 U.S. 1020 (1986) (Terminated pastor's suit against church for sex and race discrimination under Title VII dismissed in deference to the church's overriding right to freely choose its clergy); *McClure v. Salvation Army*, 460 F.2d 553 (5th Cir. 1972), *cert. denied*, 409 U.S. 896 (1972) (Sex discrimination claim by aggrieved clergy person; held: Congress in enacting Title VII did not intend to intervene between a church and its clergy); *Hutchinson v. Thomas*, 789 F.2d 392 (6th Cir. 1986), *cert. denied*, 479 U.S. 885 (1986) (Suit by involuntarily separated United Methodist minister; court held it could not constitutionally intervene in such a dispute); *Young v. Northern Illinois Conference of United Methodist Church et al.*, 21 F.3d 184 (7th Cir. 1994) (Case here under review; court declined to exercise subject matter jurisdiction in Title VII race/sex case brought by probationary minister against church officials); *Scharon v. St. Lukes Episcopal Presbyterian Hospitals*, 929 F.2d 360 (8th Cir. 1991) (Discharged priest precluded from proceeding with age and sex discrimination

actions against religious hospital due to risk of excessive entanglement and interference with free exercise); and *Minker v. Baltimore Annual Conference of United Methodist Church*, 894 F.2d 1354 (D.C. Cir. 1990) (Clergyman's ADEA case properly dismissed; remanded only for examination of limited contractual issue).

The touchstone of all the above cases and many others like them, is the notion that the right of churches to freely choose their own clergy is at the core of their ability to function and propagate their faith. The point was well made by the Fifth Circuit Court of Appeals in *Simpson v. Wells-Læmont Corporation et al.*, 494 F.2d 490 (5th Cir. 1974), where an expelled minister sought damages and other relief under 42 U.S.C. Section 1981. The court observed:

> "This case involves the fundamental question of who will preach from the pulpit of the church, and who will occupy the church parsonage. *The bare statement of the question should make obvious the lack of jurisdiction of a civil court. The answer to that question must come from the church.*
>
> * * *
>
> "The interaction between the church and its pastor is an integral part of church government."

(Emphasis added, 494 F.2d at 492-493)

B. Neither The So-Called "*Minker*" Exception Nor The Holding Of "*Employment Division v. Smith*" Requires Or Justifies A Contrary Result.

As noted at 1, *supra*, fn. 1, the only possible exception to the unbroken line of authority cited above is one narrowly crafted by the D.C. Circuit in *Minker*, *supra*, where the court stopped short of affirming a wholesale dismissal of a clergyman's wrongful termination suit. While uphold-

ing the dismissal of all ADEA causes of action, the court noted the existence of a well-pleaded claim based on breach of a verbal agreement. Based on the possibility that such a grievance might be resolved on "neutral" terms without undue entanglement with religion, the court guardedly approved a limited remand to explore that possibility. 894 F.2d at 1360. Obviously, *Minker* has no application to the instant case wherein no well-pleaded contractual cause of action can be discerned. Moreover, *Minker* is hardly in "conflict" with other circuits. Overall, it represents a strong affirmation of the rule that clergy termination suits based on alleged violations of federal discrimination laws cannot proceed.

Finally, Petitioner's suggestion that the Seventh Circuit disregarded this Court's teaching in *Employment Division v. Smith*, 494 U.S. 872, 108 L. Ed. 2d 876 (1990), simply is unsupportable. First, the vitality of *Smith* has been significantly undercut by the Religious Freedom Restoration Act of 1993. 42 U.S.C. Section 2000bb *et seq.* Second, it cannot be seriously contended that the *Smith* decision could ever warrant a departure from the long-standing rule precluding court scrutiny of pastor-church relations. In citing *Smith*, Petitioner has chosen a dubious fulcrum for launching her effort to bring about a momentous change in settled First Amendment law.

CONCLUSION

The ability of churches to choose their clergy without governmental surveillance or interference occupies a special place of protection in our constitutional jurisprudence. The courts below recognized that the First Amendment's religious guarantees occupy an even higher order of importance than the objective of redressing job discrimination. When the two conflicting goals collide, the religious protections contained within the Constitution must prevail. The Petition for Writ of Certiorari contains nothing which would warrant a re-examination of this doctrine by this Honorable Court. The Writ should be denied.

Respectfully submitted,

SAMUEL W. WITWER, JR.
Counsel of Record
JENNIFER K. POLTROCK
DANIEL G. MUSCA
WITWER, BURLAGE, POLTROCK
& GIAMPIETRO
125 South Wacker Drive
Suite 2700
Chicago, Illinois 60606
(312) 332-6000

Attorneys for Respondents

APPENDIX 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No.
JURY TRIAL DEMANDED

DARREYL N. YOUNG,

Plaintiff,

-vs-

THE NORTHERN ILLINOIS CONFERENCE OF UNITED METHODIST CHURCH, THE BOARD OF ORDAINED MINISTRY AND R. SHELDON DUECKER, As The Presiding Bishop Of THE BOARD OF ORDAINED MINISTRY,

Defendants.

COMPLAINT

NOW COMES the Plaintiff, DARREYL N. YOUNG, by and through her attorneys, GOLDMAN AND MARCUS, and complains against the Defendants, THE NORTHERN ILLINOIS CONFERENCE OF UNITED METHODIST CHURCH, THE BOARD OF ORDAINED MINISTRY and R. SHELDON DUECKER, as the Presiding Bishop of THE BOARD OF ORDAINED MINISTRY, as follows:

1. This action is brought pursuant to Title VII for sex discrimination, race discrimination and retaliation in violation of 42 U.S.C., §2000e, et seq. Jurisdiction exists under 42 U.S.C., §2000e, et seq. and 28 U.S.C., §1331. Venue is present in the Northern District of Illinois.

2. Plaintiff has exhausted all remedies by filing a timely Complaint with the Equal Employment Opportunity Commission. A Final Decision was entered on July 30, 1992,

and Plaintiff received her right to sue letter on or about August 3, 1992.

3. The Plaintiff, DARREYL N. YOUNG, is a resident of Chicago, Cook County, Illinois. Plaintiff is of the female sex, and her race is Black.

4. The Defendants, THE NORTHERN ILLINOIS CONFERENCE OF UNITED METHODIST CHURCH, THE BOARD OF ORDAINED MINISTRY and R. SHELDON DUECKER, as the Presiding Bishop of THE BOARD OF ORDAINED MINISTRY, are residents of Chicago, Cook County, Illinois.

5. Plaintiff was a Probationary Ministerial Member of THE UNITED METHODIST CHURCH at all times relative to this Complaint. Plaintiff served as a Pastor for four (4) years, received excellent references from the church for which she was a Minister and received a favorable recommendation from her Supervising Elder for the position of "Elder" or "Clergy Member In Full Connection".

6. On or about March 24, 1992, the Plaintiff was denied an appointment to the position of "Elder" or "Clergy Member In Full Connection". The Defendants also voted to discontinue the Plaintiff as a Minister.

7. During Plaintiff's tenure as a Probationary Minister, she was a vocal advocate on protecting minority rights and had criticized the church in the past whenever minorities, and especially minority women, were being treated unfairly by other "Elders" or "Clergy Members In Full Connection".

COUNT I—SEX AND RACE DISCRIMINATION

1-7. Plaintiff realleges Paragraphs 1 through 7 above and as for Paragraphs 1 through 7 of this Count I.

8. The Plaintiff was treated differently than other similarly situated Probationary Ministers, who were seeking appointment as an "Elder" or "Clergy Member In Full Connection", but who were not Black females. Examples of this disparate treatment include, but are not limited to:

A. Probationary Members who are seeking an appointment as an "Elder" or a "Clergy Member In Full Connection" always have representatives of their same sex and race on the panel from THE BOARD OF ORDAINED MINISTRY, who reviews their application. There were no other Black female members on the panel from THE BOARD OF ORDAINED MINISTRY, which made the decision to discontinue the Plaintiff as a Probationary Minister.

B. The Defendants have not discontinued other Probationary Members on their first attempt to become an "Elder" or "Clergy Member In Full Connection". Defendants have always recommended at the very least, that the probation be continued for that applicant. Defendants, however, voted to discontinue the Plaintiff on her very first attempt to become an "Elder" or "Clergy Member In Full Connection".

C. The Defendants always follow the recommendation of a Supervising Elder when determining whether to promote a Probationary Minister to "Elder" or "Clergy Member In Full Connection". The Defendants, however, rejected the favorable recommendation of the Plaintiff's Supervising Elder, when they decided to deny her application and when they voted to discontinue her.

D. One (1) of the qualifications for becoming an "Elder" or a "Clergy Member In Full Connection" is that the applicant must have preached or given a sermon in the past. The Defendants criticized the Plaintiff's preaching skills, even though none of the members of the panel who interviewed her had ever heard her preach.

9. Plaintiff's application to become an "Elder" or "Clergy Member In Full Connection" was denied, and she was discontinued based on her race and sex, in violation of Title VII. The failure of Defendant to follow its own procedures in its review of Plaintiff's application to become an Elder tainted its decision process.

10. As a result of the Defendant's discriminatory conduct, the Plaintiff has been terminated from her position as a Probationary Minister, has been removed from her church and has been denied advancement within the Defendants' organization. Plaintiff has suffered a loss in pay and has suffered extreme emotional distress based on the Defendants' discriminatory actions.

WHEREFORE, Plaintiff requests this court enter a Judgment in favor of the Plaintiff and against the Defendants, and that the following relief be awarded:

A. That Defendants be ordered to reinstate the Plaintiff as a Probationary Ministerial Member and that Plaintiff be awarded back pay and be compensated for the loss of other employment benefits.

B. That Defendants be ordered to conduct a new review of the Plaintiff's application for "Elder" or "Clergy Member In Full Connection", and that Defendants be required to follow their usual and customary practices such as including other Black female Ministers or "Clergy Members In Full Connection" on the panel which reviews her application.

C. That Plaintiff be awarded compensatory damages in the amount of Fifty-Thousand Dollars ($50,000.00).

D. That the Plaintiff be awarded attorney's fees and costs.

E. That this court award such other relief as it deems appropriate.

COUNT II

1-7. Plaintiff realleges Paragraphs 1 through 7 above as and for its Paragraphs 1 through 7 of this Count II.

8. The Plaintiff was treated differently than other similarly situated Probationary Ministers, who were seeking appointment as an "Elder" or "Clergy Member In Full Connection", but who had not opposed the discriminatory practices of the Defendants. Examples of the disparate treatment include but are not limited to:

A. Probationary Members who are seeking an appointment as an "Elder" or a "Clergy Member In Full Connection" always have representatives of their same sex and race on the panel from THE BOARD OF ORDAINED MINISTRY, who reviews their application. There were no other Black female members on the panel from THE BOARD OF ORDAINED MINISTRY, which made the decision to discontinue the Plaintiff as a Probationary Minister.

B. The Defendants have not discontinued other Probationary Members on their first attempt to become an "Elder" or "Clergy Member In Full Connection". Defendants have always recommended at the very least, that the probation be continued for that applicant. Defendants, however, voted to discontinue the Plaintiff on her very first attempt to become an "Elder" or "Clergy Member In Full Connection".

C. The Defendants always follow the recommendation of a Supervising Elder when determining whether to promote a Probationary Minister to "Elder" or "Clergy Member In Full Connection". The Defendants, however, rejected the favorable recommendation of the Plaintiff's Supervising Elder, when they decided to deny her application and when they voted to discontinue her.

D. One (1) of the qualifications for becoming an "Elder" or a "Clergy Member In Full Connection" is that the applicant must have preached or given a sermon in the past. The Defendants, however, criticized the Plaintiff's preaching skills, even though none of the members of the panel who interviewed her had ever heard her preach.

9. Plaintiff's application to become an "Elder" or "Clergy Member In Full Connection" was denied, and she was discontinued because of her opposition to the Defendant's discriminatory practices. The Defendant intentionally deviated from its usual procedures of reviewing applications for appointment to an Elder. This deviation so tainted the Plaintiff's appointment process that it was impossible for her to have been appointed as an Elder. The Defendant deviated from its usual process in retaliation for Plaintiff having opposed discriminatory practices and advocating minority rights.

10. As a result of the Defendant's discriminatory conduct, the Plaintiff has been terminated from her position as a Probationary Minister, has been removed from her church and has been denied advancement within the Defendants' organization. Plaintiff has suffered a loss in pay and has suffered extreme emotional distress based on the Defendants' discriminatory actions.

WHEREFORE, Plaintiff requests this court enter a Judgment in favor of the Plaintiff and against the Defendants, and that the following relief be awarded:

A. That Defendants be ordered to reinstate the Plaintiff as a Probationary Ministerial Member and that she be awarded back pay and be compensated for the loss of other employment benefits.

B. That Defendants be ordered to conduct a new review of the Plaintiff's application for "Elder" or "Clergy

Member In Full Connection", and that Defendants be required to follow their usual and customary practices such as including other Black female Ministers or "Clergy Members In Full Connection" on the panel which reviews her application.

C. That Plaintiff be awarded compensatory damages in the amount of Fifty-Thousand Dollars ($50,000.00).

D. That Plaintiff be awarded Fifty-Thousand Dollars ($50,000.00) in punitive damages.

E. That the Plaintiff be awarded attorney's fees and costs.

F. That this court award such other relief as it deems appropriate.

GOLDMAN AND MARCUS